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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,869	07/10/2000	Giancarlo Granata	FMCV0113PUS/199-1623	9855

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EXAMINER

VO. HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/612,869

Applicant(s)

GRANATA ET AL.

Examiner

Hai Vo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14 and 16-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 14, 16-20, 22, 24, 29, 35, 36, 38, 40- 43 is/are rejected.
- 7) ☒ Claim(s) 23,25-28,30-34,37 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The 112 claim rejections, first paragraph with respect to claims 14-16, 22-24, 28-31, 35, 36, and 42 are withdrawn in view of the present amendment. However, further upon consideration, a new ground of rejection is made in view of 112 claim rejections, second paragraph.
2. The 112 claim rejections, first paragraph with respect to claim 41 are maintained.
3. The art rejections over Groendal et al (US 5,935,364), Landau (US 3,593,848) and Schulze-Kadelbach et al (US 5,514,458) are withdrawn in view of the present amendment.

***Specification***

4. The amendment filed 08/25/2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:  
The term "is" is replaced with the phrase "may be". Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claim 41 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support for the recitation "the pad is dimensionally smaller than the substrate" is found nowhere in Applicant's specification. The rejections are repeated since Applicants did not distinctly and specifically point out the supposed errors in the rejections in the response filed on 08/25/2004.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 14, 16-20, 36, and 41-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of claim 14 appears to be grammatically ambiguous so as not to clearly and accurately convey the spatial relationship of the claimed elements. The current phraseology is unclear as to how the layers interact. The scope becomes unclear since it is not determinable what structure can fall within the scope of the claim. Various interpretation, including some radically different arrangements are possible but do not seem within the scope of the disclosed invention. The recitation "at least a portion of the substrate extending through the pores of the impregnable layer and adjacent to the sides of the impregnable layer" needs to be incorporated in the claims to make the layer arrangement operable.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 14, 17, 29, 35, 36, 40, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Sommer (US 5,544,912). Sommer teaches a supplemental inflation restraint and door arrangement comprising a polyvinyl chloride skin 38, a foam layer 50, a foam border material 48 and a door 34 (figure 2). The foam border layer 48 is from an aluminum mesh which is inherently porous (column 2, lines 20-23). Likewise, it is clearly apparent that the foam border layer is impregnable. The foam layer 50 corresponds to Applicants' non-impregnable layer while the foam border layer corresponds to Applicants' impregnable layer. The skin layer 38 is bonded to the base 34 and the foam layer 48 (figure 2). A portion of the door 34 is adjacent to the sides of the foam border material (figures 2-5). It is the examiner's position that Sommer anticipates the claimed subject matter.

11. Claims 22, 24, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Stein et al (US 5,403,645). Stein teaches an interior trim component for a motor vehicle comprising a rigid backing 20, an impregnable vinyl skin 10 with various apertures 32, a non-impregnable soft foam 14 and a vinyl cover of cloth 12 (figure 2). A portion of the rigid backing 20 is present through the impregnable

vinyl skin 10 (column 2, lines 30-38). It is the examiner's position that Stein anticipates the claimed subject matter.

12. The art rejections over Groendal et al (US 5,935,364), Landau (US 3,593,848) and Schulze-Kadelbach et al (US 5,514,458) are withdrawn in view of the present amendment. None of the cited reference teaches or suggests that the coverskin disposed over and bonded to the first surface of the substrate and the first surface of the non-impregnable layer of the pad.

***Allowable Subject Matter***

13. Claim 21 is allowed. The reasons for allowance have been stated in the 06/09/2004 Office Action.
14. Claims 23, 25-28, 30-34, 37 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since Stein makes it clear that the apertured vinyl skin 10 is non-porous, there is no motivation to replace the apertured vinyl skin with a porous, reticulated material as recited in the claims. Similarly, Sommer teaches a supplemental inflation restraint and door arrangement comprising a polyvinyl chloride skin 38, a foam layer 50, a foam border material 48 and a door 34 wherein the foam border material 48 is made of an aluminum mesh to prevent any fragmentation of the foam 50 coming from the door 34. One of skill in the art would not be motivated to replace the aluminum mesh with a reticulated material as a foam border

material of the Sommer invention because to do so would destroy the property necessary for the intended utility.

***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai Vo  
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HV